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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,
Plaintiff,
v.
PACIFIC GAS AND ELECTRIC COMPANY,
Defendant

Case No. 14-CR-00175-WHA

PG&E'S RESPONSE TO REQUEST FOR FURTHER RESPONSES

Judge: Hon. William Alsup

1 Defendant Pacific Gas and Electric Company (“PG&E”) respectfully submits this
 2 response to the Court’s February 5, 2021 request for further responses concerning the
 3 three routine vegetation management patrols that were conducted in 2018, 2019 and 2020 prior
 4 to the Zogg Fire, during which the relevant pre-inspectors determined that the Gray Pine of
 5 interest did not need to be removed. (Dkt. 1297.)

6 The Court asked that PG&E’s responses be submitted under oath by the foresters
 7 (or “pre-inspectors”) who made these determinations. (*Id.* at 2.) To clarify, at the February 3,
 8 2021 hearing, counsel’s reference to three sets of qualified foresters who inspected the area of
 9 interest was intended to refer to the three separate inspections that were conducted by qualified
 10 foresters in 2018, 2019 and 2020. These inspections were conducted by employees of CN Utility
 11 Consulting (“CNUC”), a subsidiary of Wright Service Corporation. After the Court issued its
 12 order, PG&E contacted counsel for CNUC and provided the Court’s order, as well as applicable
 13 records in PG&E’s possession relating to the three routine vegetation management patrols, to
 14 counsel for CNUC. Counsel for CNUC has obtained declarations from three individuals
 15 potentially relevant to those three inspections: the individual who conducted the 2018
 16 inspection, the individual who conducted the 2019 and 2020 inspections and a third individual
 17 who also participated in some inspections of the Girvan Circuit in 2019 and 2020 but who,
 18 according to the declarations submitted herewith, likely did not participate in inspections of the
 19 area of interest. Those declarations, provided to PG&E by counsel for CNUC, are attached as
 20 Exhibits A through C.

21 The records relating to routine vegetation management patrols are maintained by
 22 PG&E. Consistent with industry practice, PG&E requires pre-inspectors on routine vegetation
 23 management patrols to identify trees that require work and to identify the work that is needed,
 24 but it does not require pre-inspectors on routine vegetation management patrols to generate
 25 records for trees that they do *not* identify for work. For context, PG&E’s routine vegetation
 26 management pre-inspectors identified over one million trees for work in 2020 and inspected
 27 many millions of other trees that were not identified for work.

1 PG&E has previously provided to the Court the number of findings from each of
 2 the 2018, 2019 and 2020 routine patrols along the Girvan Circuit and in the specific area
 3 surrounding the Gray Pine of interest. In aggregate, the pre-inspectors who did not identify the
 4 Gray Pine of interest for work in 2018, 2019 and 2020 did identify over 1,000 other trees for
 5 work along the Zogg Mine Road route,¹ including 25 trees in the specific area of interest near the
 6 subject Gray Pine. (See Dkt. 1260 at 3; Dkt. 1265-2 at 3-4.) PG&E's records indicate that the
 7 pre-inspectors performing the routine vegetation management patrols between 2018 and 2020
 8 were in the area of interest on six different dates: (1) October 12, 2018; (2) April 15, 2019;
 9 (3) April 24, 2019; (4) April 26, 2019; (5) March 23, 2020; and (6) March 26, 2020. With this
 10 filing PG&E is providing to the Court indexed binders containing paper copies of (i) routine
 11 vegetation management patrol records for the Zogg Mine Road route pulled from PG&E's
 12 Vegetation Management Database ("VMD") for 2018, 2019 and 2020; and (ii) routine vegetation
 13 management patrol index maps for those patrols.²

14 PG&E is not aware of the pre-inspectors who performed routine vegetation
 15 management patrols in the area of interest in 2018, 2019 and 2020 taking photographs, notes or
 16 videos, or writing reports specifically concerning the Gray Pine of interest. Similarly, PG&E
 17 does not believe that records exist detailing the specific reasons the Gray Pine of interest was not
 18 marked for removal.

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 22 ¹ The Zogg Mine Road route refers to the patrol route that includes the portion of the Girvan
 23 Circuit that extends north from the intersection of South Fork Road and Archer Road and runs
 24 along Zogg Mine Road, as well as branches such as Jenny Bird Lane, Horse Canyon Way and
 25 Larry Horse Lane. The Zogg Mine Road route is depicted in index maps being submitted to the
 Court with this filing and submitted to the Court on November 3, 2020 as Exhibit A-1 to its
 Supplemental Response to Orders Regarding Zogg Fire. (See Dkt. 1260-1.)

26 ² Certain documents in the binders being produced to the Court contain confidential
 27 information, including employee and customer personally identifying information. PG&E is in
 28 the process of identifying and redacting such confidential information and, when it has done so,
 will file the redacted documents on the docket, along with a motion to seal.

1 Per the Court's February 4, 2021 order (Dkt. 1294), PG&E will submit a response
2 to the Court's modified Proposed Conditions 11 and 12 regarding PSPS on February 19.
3 PG&E's operations teams are working to analyze the Court's proposed conditions with the goal
4 of accepting them and implementing them in a manner that will significantly reduce wildfire
5 risk.

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1 Dated: February 12, 2021

Respectfully Submitted,

2 JENNER & BLOCK LLP

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